

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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Attorneys for Defendant  
Eon Labs, Inc.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES JOHNSON, in his individual capacity  
and as Executor of the Estate of Mark James  
Johnson, deceased, and SANDRA JOHNSON,

Plaintiff,

vs.

EON LABS, INC., and DOES 1 to 20, inclusive,  
Defendant.

No.: C 06-05769 SC

**STIPULATION AND [PROPOSED]  
ORDER PERMITTING RELEASE OF  
PATHOLOGY EVIDENCE**

Honorable Samuel Conti  
Complaint Filed: Aug. 23, 2006  
Trial Date: Nov. 19, 2007

Plaintiffs James and Sandra Johnson and defendant Eon Labs, Inc. ("Eon"), through  
their respective undersigned counsel, stipulate and agree as follows:

Upon request by Reed Smith LLP ("Reed Smith"), counsel of record for Eon, the  
Custodian of Pathology of the following institution is authorized to release and transfer in the  
manner described in Paragraph 4, below, any and all pathology slides of the plaintiffs' deceased son,  
Mark James Johnson, as identified in the following Pathology Report (copy attached).

1                   1.     Exhibit A: University of California San Francisco, 505 Parnassus Avenue, M-  
2     551, San Francisco, CA 94143-0102,                   REDACTED

3                   (Autopsy Report attached as Exhibit A).  
4

5                   2.     University of California San Francisco is authorized to prepare up to five (5)  
6     additional slides ("new slides") from the tissue blocks prepared after surgery, autopsy, biopsy, or  
7     other procedure. University of California San Francisco is permitted to prepare such slides only if,  
8     after such slides are prepared, there remains enough tissue to prepare at least twenty (20) additional  
9     slides from the same block. Upon request by Reed Smith, the Custodian of Pathology is authorized  
10    to release and transfer the new slides in the manner described in Paragraph 4, below.  
11

12                  3.     After obtaining custody of the new slides, Reed Smith, or its designated  
13    representative, shall be permitted to retain custody of the new slides. If necessary, Reed Smith will  
14    designate an individual to receive and review the new slides on behalf of Eon. The identity and  
15    address of any such individual shall be subject to the confidentiality provision of Paragraph 5,  
16    below.  
17

18                  4.     The new slides shall be transferred from the Custodian of Pathology to Reed  
19    Smith, or its designated representative, by either of the following methods:  
20

- 21                  a.     They may be mailed by registered or certified mail directly to an  
22                          individual designated in accordance with Paragraph 3 (above); or  
23                  b.     They may be transferred to Reed Smith, or to its designated  
24                          representative(s).  
25

26                  5.     Confidentiality. If an individual is designated by Reed Smith to receive and  
27    review the new slides referred to in Paragraphs 1 and 2 on its behalf, and the name and address of  
28    that individual is disclosed to the appropriate Custodian of Pathology to permit the mailing of the

1 slides in accordance with Paragraph 4(a), the name and address of the designated individual shall be  
 2 held in strict confidence by the Custodian of Pathology and shall not be disclosed to any other party,  
 3 or its attorneys or representative(s).

4  
 5 The parties reserve the right to seek amendment to this Stipulation and Order if for  
 6 any reason the University of California San Francisco is unable to comply with the terms set forth  
 7 above.

8  
 9 DATED: May 3, 2007

SEEGER SALVAST LLP

10  
 11 By 

Brian Devine  
 Attorneys for Plaintiffs  
 James and Sandra Johnson

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 13  
 14 DATED: May 4, 2007

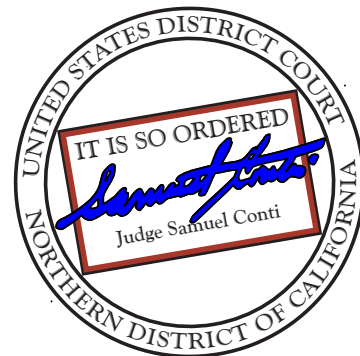
REED SMITH LLP

15  
 16  
 17 By 

Molly A. Taylor  
 Attorneys for Defendant  
 Eon Labs, Inc.

18  
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 20  
 21 **IT IS SO ORDERED.**

22  
 23 DATED: May 10, 2007



24  
 25  
 26 By

HONORABLE SAMUEL CONTI  
 DISTRICT COURT JUDGE

# **EXHIBIT A**

**Filed**

**Under Seal**